

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA

BYRON SMITH,

Plaintiff,

Docket No. 2:20-cv-271-WKW

- against -

MCR PUBLISHING, INC.

Defendant.

**DECLARATION OF RICHARD LIEBOWITZ**

I, RICHARD LIEBOWITZ, declare that the following is true and correct to the best of my personal knowledge.

1. I am the managing partner of the Liebowitz Law Firm, PLLC (the “LLF”).
2. On June 26, 2020, the Honorable Jesse M. Furman in the case *Usherson v.*

*Bandshell Artist Mgmt.*, ordered me to file a copy of the Court’s 6/26/20 Opinion and Order on the docket of “any currently pending case that was brought by Mr. Liebowitz or his firm” no later than July 27, 2020. *Usherson v. Bandshell Artist Mgmt.*, No. 19-CV-6368 (JMF), 2020 WL 3483661, at \*22 (S.D.N.Y. June 26, 2020) (the “Order”).

3. Due to an administrative oversight, I regretfully did not file the Order in this case.
4. On September 11, 2020, the Court ordered me to file a copy of the Court’s 6/26/20 Opinion and Order in *Usherson v. Bandshell Artist Mgmt.*, No. 19-CV-6368 (JMF), 2020 WL 3483661, at \*22 (S.D.N.Y. June 26, 2020) (the “Order”) by September 18, 2020.

5. I did not learn of the September 11, 2020 order until September 21, 2020 because my e-mail address was not registered with the Middle District of Alabama and I was not receiving ECF e-mail bounces in this case.

6. As this case was transferred from the Southern District of Alabama, I do not currently have an ECF username and password for the Middle District of Alabama. Thus, on September 21, 2020, I emailed the Courtroom Deputy Wanda Robinson a copy of the Order so that the Clerk can file it on the docket.

7. On September 21, 2020, I informed Judge Furman that I neglected to file the Order in this case.

8. I apologize to the Court for this mishap.

Respectfully Submitted:

Dated: September 21, 2020  
Valley Stream, NY

s/richardliebowitz/  
Richard Liebowitz

